

DRINKING WATER & WASTEWATER PROFESSIONALS

Bureau of Occupational Licenses

700 West State Street, P.O. Box 83720

Boise, ID 83720-0063

Board Meeting Minutes of 5/8/2013

BOARD MEMBERS PRESENT: Victor Villegas - Chair
Larry Annen
John R. Lee
Jack V Bennion
Allen G Wilder
Dion W Holton
Barry N. Burnell

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, Legal Counsel
Eric Nelson, Board Prosecutor
Roger Hales, Board Prosecutor
Mary Miles, Technical Records Specialist I

OTHERS PRESENT: Sandra Werner, City of Boise
Crystal Green, City of Meridian
Mike Shepherd, City of Weiser
Lynn Tominaga, Idaho Rural Water Association
Shelley Roberts, Idaho Rural Water Association
Barbi Burke, Idaho Rural Water Association
Janet Finegan-Kelly, City of Boise

The meeting was called to order at 8:30 AM MDT by Allen Wilder.

APPROVAL OF MINUTES

A motion was made by Mr. Burnell to approve the minutes of 2/7/2013 and 4/2/2013. It was seconded by Mr. Holton. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board has a cash balance of \$457,147.11 as of 4/30/2013.

DISCIPLINE

Mr. Nelson presented a memorandum regarding case number WWP-2013-18. After discussion, the Board gave recommendations for appropriate discipline.

Mr. Nelson presented a memorandum regarding case number WWP-2013-15. A motion was made by Mr. Burnell to authorize closure with a warning letter for case number WWP-2013-15. It was seconded by Mr. Burnell. Motion carried.

EXECUTIVE SESSION

A motion was made by Mr. Wilder that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Lee. The vote was: Mr. Lee, aye; Mr. Wilder, aye; Mr. Bennion, aye; Mr. Burnell, aye; Mr. Annen, aye and Mr. Villegas, aye. Motion carried.

A motion was made by Mr. Lee to come out of executive session. It was seconded by Mr. Holton. The vote was: Mr. Lee, aye; Mr. Wilder, aye; Mr. Bennion, aye; Mr. Burnell, aye; Mr. Annen, aye and Mr. Villegas, aye. Motion carried.

TEMPORARY RULE

Mr. Hales presented the temporary rule for 200.02 regarding the exam fees. ABC has two different fees for the written and online exams. The Bureau will charge the lower fee amount of \$37 for either exam.

A motion was made by Mr. Wilder to adopt the temporary rule for 200.02. It was seconded by Mr. Lee. Motion carried.

POSSIBLE LAW OR RULES CHANGES

Ms. Hall presented to the Board members a fee reduction proposal. The original license fee and license renewal fees would be lowered from \$35 to \$30.

Mr. Burnell updated the Board members regarding the two year re-instatement period for drinking water licenses. He stated his office had contacted the Environmental Protection Agency and they do not have any issues with the re-

instatement period being changed from two years to five years. They consider this to be an administrative change.

A motion was made by Mr. Burnell to submit a draft law change to the Division of Financial Management for the revision in Idaho Code 54-2411 regarding the annual renewal of licenses and to strike the language regarding a 2 year renewal. It was seconded by Mr. Holton. Motion carried.

Mr. Annen presented a proposal to review the education requirements for the Class III and IV licenses.

Mr. Bennion presented to the Board members a proposal to review the Drinking Water Very Small Water System and Wastewater Very Small System continuing education requirements for licensure.

A motion was made by Mr. Lee to form a sub-committee consisting of Mr. Holton, Mr. Burnell, and Mr. Bennion to research the small system CE licensure requirements; Class III and IV education requirements; the ABC online course review program; and the fee reduction proposal and to work with Idaho Rural Water Association and present their findings at the next meeting. It was seconded by Mr. Annen. Motion carried.

PUBLIC COMMENT

Ms. Finegan-Kelly addressed the Board members regarding licensure requirements.

Ms. Burke and Ms. Roberts both stated that Idaho Rural Water Association is open to discussions with the sub-committee regarding possible rule changes.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

A motion was made by Mr. Wilder to approve the Bureau's recommendation and authorize closure in case I-WWP-2013-18. It was seconded by Mr. Burnell. Motion carried.

A motion was made by Mr. Lee to approve the Bureau's recommendation and authorize closure in case I-WWP-2013-20. It was seconded by Mr. Burnell. Motion carried.

DISCIPLINE

A motion was made by Mr. Burnell to authorize the Board Chair to sign the Settlement Order for case WWP-2013-7. It was seconded by Mr. Lee. Motion carried.

A motion was made by Mr. Wilder to authorize the Board Chair to sign the Settlement Order for case WWP-2013-14. It was seconded by Mr. Bennion. Motion carried.

A motion was made by Mr. Burnell to authorize the Board Chair to sign the Settlement Order for case WWP-2013-8. It was seconded by Mr. Lee. Motion carried.

A motion was made by Mr. Wilder to authorize the Board Chair to sign the Settlement Order for case WWP-2013-13. It was seconded by Mr. Annen. Motion carried.

ABC MODEL OF STANDARDS

The Board reviewed and discussed the ABC Model of Standards and determined that no action was required.

ABC CONTINUING EDUCATION REVIEW CRITERIA

A motion was made by Mr. Burnell to form a sub-committee to evaluate the surrounding states code of conduct for BAT's and to bring back to the Board a recommendation on if the Board should adopt a code of conduct. It was seconded by Mr. Holton. Motion carried.

BACKFLOW ASSEMBLY TESTERS CODE OF CONDUCT

A discussion was held regarding the code of conduct for BAT's in surrounding states.

A motion was made by Mr. Burnell for Mr. Wilder and Mr. Holton to investigate the code of conduct in surrounding states for BAT's and the potential costs and potential fiscal impact. It was seconded by Mr. Holton. Motion carried.

BACKFLOW ASSEMBLY TESTERS LICENSURE AND RE-CERTIFICATION

The Board discussed what the requirements were for the BAT licensure and re-certification course were in comparison to what the surrounding states require.

Mr. Shepherd commented that other states require a hands-on and written exam for the re-certification course. He stated that Idaho recognizes Oregon's re-certification courses, but Oregon does not accept Idaho's re-certification courses.

A motion was made by Mr. Lee to form a sub-committee with Mr. Wilder and Mr. Holton to investigate the requirements of the re-certification course requirements with the Idaho BAT instructors for a possible rule change. It was seconded by Mr. Bennion. Motion carried.

PACIFIC NORTHWEST SUBSECTION AMERICAN WATERWORKS ASSOCIATION CERTIFICATION COMMITTEE

The Board would like a formal request from the committee for Idaho to participate and to outline what the committee wants to accomplish.

DISABILITY ACCOMMODATION

Ms. Miles informed the Board members that there have been two ADA requests for readers'. The requests have been reviewed and approved.

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A motion was made by Mr. Holton to come out of executive session. It was seconded by Mr. Lee. The vote was: Mr. Lee, aye; Mr. Wilder, aye; Mr. Bennion, aye; Mr. Burnell, aye; Mr. Annen, aye and Mr. Villegas, aye. Motion carried.

APPLICATIONS

A motion was made by Mr. Burnell to approve nine applications for licensure; approve 83 applications for exam, deny four applications, and hold pending six applications for more information. It was seconded by Mr. Bennion. Motion carried.

Approved for Licensure

COLES JEREMY J	DWD1-19201
EISENBRAUN BRANDON PATRICK	DWD1-19263
HODGE BENJAMIN AARON	DWD1-19264
LESNIEWSKI ROBERT JOSEPH	DWT1-19320
HORD JASON MICHAEL	WWC1-19203
GORDON JAMES WILLIAM	WWC1-19212
KOLAR PHILLIP E	WWC1-19333
CHILDS PAUL	WWT1-19189

STINSON JOHN GEORGE

WWT1-19257

Approved for Exam

BARKLEY MARK S	WWT4
BENNETT DON	WWC1
BENSON RYAN R	WWC1
BERGET ROD D	DWD1
BERNAL MICHAEL	WWC2
BERNARD ANTHONY ALAN	WWT1
BERTRAM GLENN O	WWC1
BUCKNER MICHAEL G	WWC1
CAMBURN JESSIE ALLEN	DWD2
CAMPBELL ROSS HYRUM	WWT1
CAPSON TRAVIS D	DWT2
CHAMBERS LONNIE RAY	WWT3
CHISHAM ANTONIO D. G.	WWTLA
CLARK JORDON BRYCE	WWT1
CLEMENSON TRAVIS JOHN	WWTLA
COOK DAVID V	WWC4
COOPER DENNIS MAX	WWC2
COPLEY MARK A.	WWT2
CORN MATTHEW C	DWT2
DARKES WILLIAM J	DWD2
DELANEY JOHNNY LYNN	WWT2
DILLARD GEORGE A	WWC1
DIONNE ROBERT KIM	DWDVSWS
EISENBRAUN BRANDON PATRICK	WWTLA
ELLIS JR DONALD R	WWTLA
FANGSRUD KARL AMUN	WWT2
FELTON JARED JENNINGS	DWT2
FERGUISON TENILLE BROOKE	DWDVSWS
FINCH RONNIE CARL	WWT1
FLYNN DONALD L	WWTLA
FREEMAN ELMER	WWC4
GONZALES DOUGLAS JOE	WWC3
GRIFFEL BRETT L	WWT2
HARDY ANDREW M	DWD1
HENDERSHOT JIMMY LYNCH	DWD1
HENDERSON DAVID ALLEN	WWT3
HENDRICKS JASON MICHEAL	DWD2
HENDRY WILLIAM THOMAS	WWC2
HODGE BENJAMIN AARON	WWTLA
HOWARD JOSHUA LEE	DWD1
HUGHES TRAVIS REX	WWC3
HUSS LYNN DEE	WWTLA
JACKSON ERIC LAYNE	WWC1

JENNINGS CHAD MICHAEL	DWD1
JORDE RONALD MICHAEL	WWT2
KREHBIEL JAMES A	WWT1
LAMB CHARLES JEFFERSON	BAT
LANGFORD JASON A	WWT1
LEAMON JEFF	WWT2
LEDBETTER RICHARD	DWT1
LEDBETTER RICHARD	WWT1
LEMIRCK ROGER	DWD3
LIBERT MARK E	DWD4
LINKER PATRICK ALAN	DWD2
LOCKLER PAUL GENE	DWT1
LONG ANDREW JAMES	WWC1
MAREK CASEY DAVID	DWT2
MARTIN TYLER RAY	WWC1
MECHAM JADE WILLIS	WWT3
MERRITT JAY L	WWT4
MITCHELL BRETT LEROY	WWT1
NICHOLS KARL W	DWDVSWS
OZUNA ADOLFO C	WWT1
PARKER MIKE J	WWT1
POTTENGER JOHN WESLEY	WWT1
RANEY DUSTIN JAMES	WWT4
SECK AARON PATRICK	WWC1
SENG MICHAEL D	BAT
SONNEN ALLEN F	DWDVSWS
STANLEY JONATHAN T	DWT1
STEWART DARRELL	DWD1
STEWART DARRELL	WWC1
SUWANRIT FRANK S	WWT1
TOMLINSON KARL	WWC1
TOMLINSON KARL	WWT1
TOWNSEND MATTHEW W	WWC1
TRILLHAASE ZACHERY MARTIN	DWD2
TUCKETT VAN E	DWD3
VANDERPOOL DYLAN	WWT1
VAUGHN CHAD	DWD2
WAGGONER CARL PHILLIP	WWT2
WHEELER JERRY	DWD3
WILLIS MARIE	DWDVSWS

Denied

CHILDS PAUL
KEEN VICTOR JEWEL
MCCORMICK KYLE

WERNER SANDRA LEA

Pending

901125508

901116251

901118908

901118908

901125518

901125320

A motion was made by Mr. Wilder to deny the continuing education course entitled SEEP submitted by Panhandle Area Council. It was seconded by Mr. Bennion. Motion carried.

A motion was made by Mr. Annen to deny the Federal Emergency Management Agency courses submitted by Chris Bain. It was seconded by Mr. Burnell. Motion carried.

NEXT MEETING is scheduled for August 7, 2013

ADJOURNMENT

A motion was made by Mr. Holton to adjourn the meeting at 3:30 PM. It was seconded by Mr. Wilder. Motion carried.

Victor Villegas, Chair

Larry Annen

John R. Lee

Jack V Bennion

Allen G Wilder

Dion W Holton

Barry N. Burnell

Tana Cory, Bureau Chief